

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:25-cv-00005

Kevin James Kohute,
Plaintiff,

v.

City of Tyler Police Department et al.,
Defendants.

O R D E R

Plaintiff Kevin Kohute, proceeding pro se, filed this lawsuit against defendants on December 26, 2024, in the Western District of Texas. Doc. 1. The case was transferred to this district, Doc. 4, and referred to a magistrate judge. On January 8, 2025, the magistrate judge issued a report recommending that plaintiff's claims be dismissed without prejudice. Doc. 6. Plaintiff acknowledged receipt of the report on January 13, 2025. Doc. 7. Plaintiff has not filed objections, and the time for doing so has passed.

When a party fails to object to a magistrate judge's report, the court reviews the record only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff's action is dismissed without prejudice for lack of standing, lack of capacity to be sued, and lack of subject-matter jurisdiction. Any pending motions are denied as moot.

Consistent with the court's sanction previously imposed, *see Kohute v. Nat'l Rifle Ass'n*, No. 6:24-cv-00475, Doc. 6 (E.D. Tex. Jan. 29, 2025), the clerk shall not accept any new lawsuits from Kevin Kohute unless such lawsuit is filed by an attorney licensed to practice in the U.S. District Court for the Eastern District of Texas and the full filing fee is paid at the outset of the case.

Kohute is further cautioned that, should he continue to file frivolous documents in violation of his sanctions, the court will impose additional sanctions against him, including potential monetary sanctions. *See Jackson v. Carpenter*, 921 F.2d 68, 69 (5th Cir. 1991) (cautioning a pro se litigant that the continued abuse of the legal system “will trigger increasingly severe sanctions, including the ultimate denial of access to the judicial system absent specific prior court approval”).

So ordered by the court on April 25, 2025.



J. CAMPBELL BARKER
United States District Judge